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H. R. 3862

To effect a moratorium on immigration by aliens other than refugees, priority workers, and the spouses and children of United States citizens.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1994

Mr. STUMP (for himself and Mr. CALLAHAN) introduced the following bill; which was referred jointly to the Committees on the Judiciary, Ways and Means, Agriculture, and Banking, Finance and Urban Affairs

A BILL

To effect a moratorium on immigration by aliens other than refugees, priority workers, and the spouses and children of United States citizens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES IN ACT.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Immigration Moratorium Act of 1994”.

6 (b) REFERENCES IN ACT.—Except as otherwise ex-
7 pressly provided, whenever in this Act an amendment or
8 repeal is expressed in terms of an amendment to, or repeal
9 of, a section or other provision, the reference shall be con-

sidered to be made to a section or other provision of the
Immigration and Nationality Act.

TITLE I—IMMIGRATION MORATORIUM

SEC. 101. IMMIGRATION MORATORIUM DEFINED.

As used in this Act, the term “immigration moratorium” means the period beginning on October 1, 1994, and ending on September 30 of the first fiscal year after fiscal year 1999 during which the President submits a report to Congress, which is approved by a joint resolution of Congress, that the flow of illegal immigration has been reduced to less than 10,000 aliens per year and that any increase in legal immigration resulting from termination of the immigration moratorium would have no adverse impact on the wages and working conditions of United States citizens or on the achievement or maintenance of Federal environmental quality standards in those localities where immigrants are likely to settle.

SEC. 102. WORLDWIDE LEVELS OF IMMIGRATION.

Notwithstanding section 201 of the Immigration and Nationality Act, during the immigration moratorium in lieu of the worldwide levels of immigration under section 201 (8 U.S.C. 1151)—

(1) the worldwide level of family-sponsored immigrants under section 201(c) is 10,000;

1 (2) the worldwide level of employment-based
2 immigrants under section 201(d) is 5,000; and

3 (3) the worldwide level of diversity immigrants
4 under section 201(e) is zero.

5 **SEC. 103. ALLOTMENT OF VISAS.**

6 (a) IN GENERAL.—Notwithstanding section 203 of
7 the Immigration and Nationality Act, during the immigra-
8 tion moratorium, in lieu of the number of visas that may
9 be allotted under section 203 (8 U.S.C. 1153)—

10 (1) the number of visas that shall be allotted to
11 family-sponsored immigrants under section 203(a)
12 shall be 10,000 for qualified immigrants under sec-
13 tion 203(a)(2) and zero for other family-sponsored
14 immigrants;

15 (2) the number of visas that shall be allotted in
16 any fiscal year to priority workers under section
17 203(b)(1) shall not exceed the worldwide level of em-
18 ployment-based immigrants for that fiscal year, and
19 the number of visas that shall be allotted to other
20 aliens subject to the worldwide level for employment-
21 based immigrants shall be zero; and

22 (3) the number of visas that shall be allotted to
23 diversity immigrants under section 203(c) shall be
24 zero.

1 (b) LIMITATION ON SPONSORSHIP BY CERTAIN
2 ALIENS.—Notwithstanding any other provision of law, no
3 visa may be allotted to any immigrant on the basis of a
4 petition by an individual who has filed an application
5 under section 210, section 210A, or section 245A of the
6 Immigration and Nationality Act.

7 **SEC. 104. GRANTING IMMIGRANT STATUS.**

8 During the immigration moratorium, the Attorney
9 General may not approve any petition for classification
10 under section 204 except for classification by reason of
11 a family relationship described in section 201(b)(2) or pri-
12 ority worker status under section 203(b)(1). Petitions that
13 may not be approved during the moratorium shall be re-
14 turned to the persons who filed the petitions.

15 **SEC. 105. ANNUAL ADMISSION OF REFUGEES.**

16 Notwithstanding any other provision of law, during
17 the immigration moratorium, the number of refugees who
18 may be admitted under section 207, including the number
19 of admissions made available to adjust to the status of
20 permanent residence the status of aliens granted asylum
21 under section 209(b), shall not exceed 25,000 in any fiscal
22 year.

23 **SEC. 106. IMMEDIATE RELATIVES DEFINED.**

24 During the immigration moratorium, the term “im-
25 mediate relatives” for purposes of section 201(b) means

1 the children and spouse of a citizen of the United States
2 who shall have acquired citizenship under chapter 1 of title
3 III of the Immigration and Nationality Act.

4 **SEC. 107. EFFECTIVE DATE.**

5 This title shall take effect October 1, 1994.

6 **TITLE II—PROHIBITION OF FEDERAL**
7 **BENEFITS FOR CERTAIN ALIENS**

8 **SEC. 201. PROHIBITION OF DIRECT FEDERAL FINANCIAL**
9 **BENEFITS AND UNEMPLOYMENT BENEFITS**
10 **TO ALIENS WHO ARE NOT LAWFUL PERMA-**
11 **NENT RESIDENTS.**

12 (a) IN GENERAL.—On and after the date of the en-
13 actment of this Act, notwithstanding any other provision
14 of law, no direct Federal financial benefit or social insur-
15 ance benefit, including (but not limited to)—

16 (1) payments under the aid to families with de-
17 pendent children program under part A of title IV
18 of the Social Security Act,

19 (2) benefits under the supplemental security in-
20 come program under title XVI of the Social Security
21 Act,

22 (3) food stamps under the Food Stamp Act of
23 1977, and

1 (4) financial assistance (as defined in section
2 214(b) of the Housing and Community Development
3 Act of 1980),

4 may be paid or otherwise given to any person who is not
5 a citizen or national of the United States, an alien lawfully
6 admitted for permanent residence, or an alien otherwise
7 lawfully and permanently residing in the United States (as
8 defined in subsection (e)), except pursuant to a provision
9 of the Immigration and Nationality Act.

10 (b) UNEMPLOYMENT BENEFITS.—No alien who has
11 not been granted employment authorization pursuant to
12 Federal law shall be eligible for unemployment benefits.

13 (c) SOCIAL SECURITY BENEFITS.—

14 (1) IN GENERAL.—Subsection (a) shall not
15 apply to benefits paid under the old age, survivors,
16 and disability insurance program under title II of
17 the Social Security Act.

18 (2) NO CREDIT FOR WAGES FOR UNAUTHOR-
19 IZED EMPLOYMENT.—Notwithstanding any other
20 provision of law, wages paid on or after the date of
21 the enactment of this Act with respect to an alien's
22 employment which is not authorized under law shall
23 not be taken into account in crediting quarters of
24 coverage under title II of the Social Security Act.

1 (d) CONSTRUCTION.—This section shall not apply to
2 the provision of foreign aid to aliens abroad.

3 (e) DEFINITION.—For purposes of this section, the
4 term “alien otherwise lawfully and permanently residing
5 in the United States” means any person who at the time
6 the person applies for, receives, or attempts to receive a
7 Federal financial benefit or social insurance benefit is an
8 asylee, a refugee, or a parolee.

9 **TITLE III—ASYLUM REFORM**

10 **SEC. 301. INSPECTION AND EXCLUSION BY IMMIGRATION**

11 **OFFICERS.**

12 (a) INSPECTION OF ALIENS.—Section 235(b) of the
13 Immigration and Nationality Act (8 U.S.C. 1225(b)) is
14 amended to read as follows:

15 “(b) INSPECTION AND EXCLUSION BY IMMIGRATION
16 OFFICERS.—

17 “(1) An immigration officer shall inspect each
18 alien who is seeking entry to the United States.

19 “(2)(A) If the examining immigration officer
20 determines that an alien seeking entry—

21 “(i) does not present the documentation
22 required (if any) to obtain legal entry to the
23 United States; and

24 “(ii) does not indicate either an intention
25 to apply for asylum (under section 208) or a

1 fear of persecution, the officer shall order the
2 alien excluded from the United States without
3 further hearing or review.

4 “(B) The examining immigration officer shall
5 refer for immediate inspection at a port of entry by
6 an asylum officer under subparagraph (C) any alien
7 who has indicated an intention to apply for asylum
8 or a fear of persecution.

9 “(C)(i) If an asylum officer determines that an
10 alien has a credible fear of persecution, the alien
11 shall be entitled to apply for asylum under section
12 208.

13 “(ii) If an asylum officer determines that an
14 alien does not have a credible fear of persecution the
15 officer shall order the alien excluded from the
16 United States without further hearing or review.

17 “(3)(A) Except as provided in subparagraph
18 (B), if the examining immigration officer determines
19 that an alien seeking entry is not clearly and beyond
20 a doubt entitled to enter, the alien shall be detained
21 for a hearing before a special inquiry officer.

22 “(B) The provisions of subparagraph (A) shall
23 not apply—

24 “(i) to an alien crewman,

1 “(ii) to an alien described in paragraph
2 (2)(A) or 2(C)(ii)(I), or

3 “(iii) if the conditions described in section
4 273(d) exist.

5 “(4) The decision of the examining immigration
6 officer, if favorable to the admission of any alien,
7 shall be subject to challenge by any other immigra-
8 tion officer and such challenge shall operate to take
9 the alien, whose privilege to enter is so challenged,
10 before a special inquiry officer for a hearing on ex-
11 clusion of the alien.

12 “(5)(A) Subject to subparagraph (B), an alien
13 has not entered the United States for purposes of
14 this Act unless and until such alien has been in-
15 spected and admitted by an immigration officer pur-
16 suant to this subsection.

17 “(B) An alien who (i) is physically present in
18 the United States, (ii) has been physically present in
19 the United States for a continuous period of one
20 year, and (iii) has not been inspected and admitted
21 by an immigration officer shall be deemed to have
22 entered the United States without inspection.

23 “(6) INTERIOR REPATRIATION.—The Secretary
24 of State shall undertake to enter into, on behalf of
25 the United States, arrangements with the govern-

1 ments of countries contiguous to the United States
2 that any excludable or deportable alien who is to de-
3 part the United States to such country under an
4 order of deportation, under a grant of voluntary de-
5 parture with safeguards, or at a time when the alien
6 is in federal custody shall be transported to a point
7 in the contiguous country that, to the extent prac-
8 ticable, is not less than 500 kilometers from the bor-
9 der of the United States.”.

10 (b) GROUNDS FOR EXCLUSION.—Section 221(a)(6)
11 of the Immigration and Nationality Act is amended by
12 adding the following paragraphs:

13 “(G)(i) Any alien who, in seeking entry to the
14 United States or boarding a common carrier for the
15 purpose of coming to the United States, presents
16 any document which is forged, counterfeit, altered,
17 falsely made, stolen, or inapplicable to the alien pre-
18 senting the document, or otherwise contains a mis-
19 representation of a material fact, shall be excluded.

20 “(ii) Subparagraph (ii) shall not apply to an
21 alien if, in the determination of the asylum officer,
22 the document or documents to which that subpara-
23 graph refers were presented by the alien solely to en-
24 able the alien to depart directly from—

1 “(A) a country in which the alien had a
2 credible fear of persecution; or

3 “(B) a country in which there was a sig-
4 nificant danger that the alien would be returned
5 to a country in which the alien would have a
6 credible fear of persecution.

7 “(iii) For the purposes of this subparagraph,
8 the term ‘credible fear of persecution’ means (I) that
9 it is more probable than not that the statements
10 made by the alien in support of his or her claim are
11 true, and (II) that there is a significant possibility,
12 in light of such statements and of such other facts
13 as are known to the officer that the alien could es-
14 tablish eligibility for asylum under section 208.

15 “(H) Any alien who, in boarding a common car-
16 rier for the purpose of coming to the United States,
17 presents a document that relates or purports to re-
18 late to the alien’s eligibility to enter the United
19 States, and fails to present such document to an im-
20 migration officer upon arrival at a port of entry into
21 the United States, shall be excluded.”.

22 (b) CONFORMING AMENDMENTS.—Section 237(a) (8
23 U.S.C. 1227(a)) is amended—

1 (1) in the second sentence of paragraph (1) by
2 striking “Deportation” and inserting “Subject to
3 section 235(b)(2), deportation”; and

4 (2) in the first sentence of paragraph (2) by
5 striking “If” and inserting “Subject to section
6 235(b)(2), if”.

7 **SEC. 302. ASYLUM.**

8 (a) IN GENERAL.—Section 208 (8 U.S.C. 1158) is
9 amended to read as follows:

10 “SEC. 208. (a) ASYLUM.—

11 “(1) RIGHT TO APPLY.—An alien physically
12 present in the United States or at a land border or
13 port of entry may apply for asylum in accordance
14 with this section.

15 “(2) CONDITIONS FOR GRANTING.—

16 “(A) GRANTS BY ATTORNEY GENERAL.—

17 The Attorney General may grant asylum to an
18 alien if the alien applies for asylum in accord-
19 ance with the requirements of this section and
20 establishes that it is more probable than not
21 that in the alien’s country of nationality (or, in
22 the case of a person having no nationality, the
23 country in which such alien last habitually re-
24 sided) such alien would be arrested and incar-
25 cerated or such alien’s life would be threatened

1 on account of race, religion, nationality, mem-
2 bership in a particular social group, or political
3 opinion.

4 “(B) EXCEPTION.—Subparagraph (A)
5 shall not apply to an alien if the Attorney Gen-
6 eral determines that—

7 “(i) the alien ordered, incited, as-
8 sisted, or otherwise participated in the per-
9 secution of any person on account of race,
10 religion, nationality, membership in a par-
11 ticular social group, or political opinion;

12 “(ii) the alien, having been convicted
13 by a final judgment of a particularly seri-
14 ous crime, constitutes a danger to the com-
15 munity of the United States;

16 “(iii) there are serious reasons for be-
17 lieving that the alien has committed a seri-
18 ous nonpolitical crime outside the United
19 States prior to the arrival of the alien in
20 the United States;

21 “(iv) there are reasonable grounds for
22 regarding the alien as a danger to the se-
23 curity of the United States; or

24 “(v) a country willing to accept the
25 alien has been identified (other than the

1 country described in subparagraph (A)) to
2 which the alien can be deported or re-
3 turned and the alien does not establish
4 that it is more likely than not that the
5 alien would be incarcerated or the alien's
6 life would be threatened in such country on
7 account of race, religion, nationality, mem-
8 bership of a particular social group, or po-
9 litical opinion. For purposes of clause (ii),
10 an alien who has been convicted of an ag-
11 gravated felony shall be considered to have
12 committed a particularly serious crime.
13 The Attorney General shall promulgate
14 regulations that specify additional crimes
15 that will be considered to be a crime de-
16 scribed in clause (ii) or clause (iii).

17 “(3) ASYLUM STATUS.—In the case of any alien
18 granted asylum under paragraph (2), the Attorney
19 General, in accordance with this section—

20 “(A) shall not deport or return the alien to
21 the country described under paragraph (2)(A);

22 “(B) shall authorize the alien to engage in
23 employment in the United States and provide
24 the alien with an ‘employment authorized’ en-

1 dorsement or other appropriate work permit;
2 and

3 “(C) may allow the alien to travel abroad
4 with the prior consent of the Attorney General,
5 except that such travel may not be authorized
6 to the country from which the alien claimed to
7 be fleeing persecution.

8 “(4) TERMINATION.—Asylum granted under
9 paragraph (2) shall be terminated if the Attorney
10 General, pursuant to such regulations as the Attor-
11 ney General may prescribe, determines that—

12 “(A) the alien no longer meets the condi-
13 tions described in paragraph (2) owing to a
14 change in circumstances in the alien’s country
15 of nationality or, in the case of an alien having
16 no nationality, in the country in which the alien
17 last habitually resided;

18 “(B) the alien meets a condition described
19 in paragraph (2);

20 “(C) a country willing to accept the alien
21 has been identified (other than the country de-
22 scribed in paragraph (2)) to which the alien can
23 be deported or returned and the alien cannot
24 establish that it is more likely than not that the
25 alien would be arrested or incarcerated in such

1 country on account of race, religion, nationality,
2 membership in a particular social group, or po-
3 litical opinion; or

4 “(D) the alien returns to the country from
5 which the alien claimed to be fleeing persecu-
6 tion or makes application with the Attorney
7 General to return to the country from which the
8 alien claimed to fleeing persecution.

9 “(5) ACCEPTANCE BY ANOTHER COUNTRY.—In
10 the case of an alien described in paragraph (2)(C)(v)
11 or paragraph (4)(C), the alien’s deportation or re-
12 turn shall be directed by the Attorney General in the
13 sole discretion of the Attorney General, to any coun-
14 try which is willing to accept the alien into its terri-
15 tory (other than the country described in paragraph
16 (2)).

17 “(b) ASYLUM PROCEDURE.—

18 “(1) APPLICATIONS.—

19 “(A) IN GENERAL.—

20 “(i) DEADLINE.—Subject to clause
21 (ii), an alien’s application for asylum shall
22 not be considered under this section un-
23 less—

24 “(I) the alien has filed, not later
25 than 30 days after entering or coming

1 to the United States, notice of inten-
2 tion to file such an application, and

3 “(II) such application is actually
4 filed not later than 45 days after en-
5 tering or coming to the United States.

6 “(ii) EXCEPTION.—An application for
7 temporary asylum may be considered, not-
8 withstanding that the requirements of
9 clause (i) have not been met, only if the
10 alien demonstrates by clear and convincing
11 evidence changed circumstances in the
12 alien’s country of nationality (or in the
13 case of an alien with no nationality, in the
14 country where the alien last habitually re-
15 sided) affecting eligibility for asylum.

16 “(B) REQUIREMENTS.—An application for
17 temporary asylum shall not be considered un-
18 less the alien submits to the taking of finger-
19 prints and a photograph in a manner deter-
20 mined by the Attorney General.

21 “(C) FEES.—The Attorney General may
22 provide for a reasonable fee for the consider-
23 ation of an application for asylum or for any
24 employment authorization under subsection
25 (a)(3)(B).

1 “(D) NOTICE OF PRIVILEGE OF COUNSEL
2 AND CONSEQUENCES OF FRIVOLOUS APPLICA-
3 TION.—At the time of filing a notice of inten-
4 tion to apply for asylum, the alien shall be ad-
5 vised of the privilege of being represented (at
6 no expense to the government) by such counsel,
7 authorized to practice in such proceedings, as
8 the alien shall choose and of the consequences,
9 under subsection (d), of filling a frivolous appli-
10 cation for temporary asylum.

11 “(2) CONSIDERATION OF APPLICATIONS; HEAR-
12 INGS.—

13 “(A) ASYLUM OFFICERS.—Applications for
14 temporary asylum shall be considered by offi-
15 cers of the Service (referred to in this Act as
16 ‘asylum officers’) who are specially designated
17 by the Service as having special training and
18 knowledge of international conditions and
19 human rights records of foreign countries.
20 Pending the designation of such officers, indi-
21 viduals who as of the date of the enactment of
22 the Immigration Stabilization Act of 1993 are
23 authorized to perform duties as asylum officers
24 shall be deemed to be qualified to be asylum
25 officers for purposes of this Act.

1 “(B) SCHEDULING OF HEARINGS.—

2 “(i) IN GENERAL.—Upon the filing of
3 an application for asylum, an asylum offi-
4 cer, at the earliest practicable time and
5 after consultation with the attorney for the
6 Government and the attorney (if any) for
7 the applicant, shall set the application for
8 hearing on a day certain or list it on a
9 weekly or other short-term calendar, so as
10 to assure a speedy hearing.

11 “(ii) DEADLINE.—Unless the appli-
12 cant (or an attorney for the applicant) con-
13 sents in writing to the contrary, the hear-
14 ing on the asylum application shall com-
15 mence not later than 45 days after the
16 date the application was filed.

17 “(C) PUBLIC HEARINGS.—A hearing on a
18 temporary asylum application shall be open to
19 the public unless the applicant requests that it
20 be closed to the public.

21 “(D) RIGHTS IN HEARINGS.—The officer
22 shall, to the extent practicable, conduct the
23 hearing in a nonadversarial manner. During
24 such hearing, the applicant shall have the privi-
25 lege of the assistance and participation of coun-

1 sel (as provided under paragraph (1)(D)) and
2 both the government and the applicant shall be
3 entitled to present evidence and witnesses, to
4 examine and object to evidence, and to cross-ex-
5 amine all witnesses.

6 “(E) COUNTRY CONDITIONS.—An officer
7 may request opinions regarding country condi-
8 tions from the Secretary of State, but shall not
9 request or consider recommendations from the
10 Secretary of State as to whether a particular
11 named individual should or should not be grant-
12 ed temporary asylum.

13 “(F) TRANSCRIPT OF HEARINGS.—A com-
14 plete record of the proceedings and of all testi-
15 mony and evidence produced at the hearing
16 shall be kept. The hearing shall be recorded
17 verbatim. The Attorney General and the Service
18 shall provide that a transcript of a hearing held
19 under this section is made available not later
20 than 10 days after the date of completion of the
21 hearing.

22 “(G) DEADLINE FOR DETERMINATIONS ON
23 APPLICATIONS.—The officer shall render a de-
24 termination on the application not later than 30
25 days after the date of completion of the hear-

1 ing. The determination of the officer shall be
2 based only on the officer's knowledge of inter-
3 national conditions and human rights records of
4 foreign countries, and evidence produced at the
5 hearing.

6 “(H) RESOURCE ALLOCATION.—The At-
7 torney General shall allocate sufficient re-
8 sources so as to assure that applications for
9 asylum are heard and determined on a timely
10 basis. However, nothing in this paragraph relat-
11 ing to scheduling or deadlines shall be con-
12 strued as creating any right or benefit, sub-
13 stantive or procedural, which is legally enforce-
14 able by any party against the United States, its
15 agencies, its officers, or any other person.

16 “(I) SANCTIONS FOR FAILURE TO
17 APPEAR.—

18 “(i) Subject to clause (ii), the applica-
19 tion for asylum of an alien who does not
20 appear for a hearing on such application
21 shall be summarily dismissed unless the
22 alien can show exceptional circumstances
23 (as defined in section 242B(f)(2)) as deter-
24 mined by the asylum officer.

1 “(ii) Clause (i) shall not apply if writ-
2 ten and oral notice were not provided as
3 required by section 242B(e)(4)(B).

4 “(iii) Except in exceptional cir-
5 cumstances (as defined in section
6 242B(f)(2)), an application summarily dis-
7 missed in accordance with Clause (i) shall
8 not be reopened or reconsidered nor shall
9 a new application for asylum be enter-
10 tained by the Attorney General at any
11 time.

12 “(J) FINALITY OF DETERMINATIONS.—

13 “(i) IN GENERAL.—The decision of
14 the asylum officer shall be the final admin-
15 istrative determination of a claim for asy-
16 lum.

17 “(ii) TREATMENT OF CASES IN EX-
18 CLUSION OR DEPORTATION.—If proceed-
19 ings are instituted against an alien under
20 section 235 or 242 of this Act and the
21 alien files an application for asylum based
22 on circumstances described in subsection
23 (b)(1)(A)(ii), the asylum officer shall
24 render, on an expedited basis, a decision
25 on the application.

1 “(c) ASYLUM STATUS ADJUSTMENTS.—

2 “(1) ADJUSTMENT OF STATUS.—Under such
3 regulations as the Attorney General may prescribe,
4 the Attorney General shall adjust to the status of an
5 alien granted asylum the status of any alien granted
6 asylum under subsection (a)(2)(A) who—

7 “(A) applies for such adjustment;

8 “(B) has been physically present in the
9 United States for at least 3 years after being
10 granted asylum;

11 “(C) continues to be eligible for asylum
12 under this section; and

13 “(D) is admissible under this Act at the
14 time of examination for adjustment of status
15 under this subsection.

16 “(2) TREATMENT OF SPOUSE AND CHIL-
17 DREN.—A spouse or child (as defined in section
18 101(b)(A), (B), (C), (D), or (E)) of an alien whose
19 status is adjusted to that of an alien granted asylum
20 under paragraph (a)(2) may be granted the same
21 status as the alien if accompanying, or following to
22 join, such alien.

23 “(3) APPLICATION FEES.—The Attorney Gen-
24 eral may impose a reasonable fee for the filing of an
25 application for asylum under this subsection.

1 “(d) DENIAL OF IMMIGRATION BENEFITS FOR FRIV-
2 OLOUS APPLICATIONS.—

3 “(1) IN GENERAL.—If the asylum officer deter-
4 mines that an alien has made a frivolous application
5 for asylum under this section and the alien has re-
6 ceived the notice under subsection (b)(1)(D)(i), the
7 alien shall be permanently ineligible for any benefits
8 under this Act, effective as of the date of a final de-
9 termination on such application.

10 “(2) TREATMENT OF FRAUDULENT OR MATE-
11 RIAL MISREPRESENTATIONS.—For purposes of this
12 subsection, an application considered to be ‘frivolous’
13 includes, but is not limited to, an application which
14 is fraudulent or otherwise contains a willful mis-
15 representation or concealment of a material fact.”.

16 **SEC. 303. FAILURE TO APPEAR FOR ASYLUM HEARING.**

17 Section 24B(e)(4) (8 U.S.C. 1252b(e)(4)) is amended
18 in subparagraph (A), by striking all after clause (iii) and
19 inserting “shall not be eligible for any benefits under this
20 Act.”.

21 **SEC. 304. JUDICIAL REVIEW.**

22 (a) Section 235 of the Immigration and Nationality
23 Act (8 U.S.C. 1225) is amended by adding at the end
24 thereof:

1 “(d) Notwithstanding any other provision of law, no
2 court shall have jurisdiction to review, except by petition
3 for habeas corpus, any determination made with respect
4 to an alien found excludable pursuant to titles I or II of
5 this Act. In any such case, review by habeas corpus shall
6 be limited to examination of whether the petitioner (I) is
7 an alien, and (II) was ordered excluded from the United
8 States pursuant to the provisions of this Act. Regardless
9 of the nature of the suit or claim, no court shall have juris-
10 diction except as provided in this paragraph to consider
11 the validity of any adjudication or determination of exclu-
12 sion, to certify a class in an action challenging the exclu-
13 sion provisions of this Act or any portion or implementa-
14 tion thereof, or to provide declaratory or injunctive relief
15 with respect to the exclusion of any alien.

16 “(e) In any action brought for the assessment of pen-
17 alties for improper entry or re-entry of an alien under sec-
18 tions 275, 276, 277, or 278 of the Immigration and Na-
19 tionality Act, no court shall have jurisdiction to hear
20 claims collaterally attacking the validity of orders of exclu-
21 sion, or deportation entered under sections 235, 236, or
22 242 of that Act.”.

23 **SEC. 305. CONFORMING AMENDMENTS.**

24 (a) LIMITATION ON DEPORTATION.—Section 243 (8
25 U.S.C. 1253) is amended by striking subsection (h).

1 (b) ADJUSTMENT OF STATUS.—Section 209(b) of the
2 Immigration and Nationality Act (8 U.S.C. 1159(b)) is
3 amended—

4 (1) in paragraph (2) by striking “one year” and
5 inserting “5 years”; and

6 (2) by amending paragraph (3) to read as
7 follows:

8 “(3) continues to be eligible for asylum under
9 section 208,”.

10 (c) ALIENS INELIGIBLE FOR TEMPORARY PRO-
11 TECTED STATUS.—Section 244A(c)(2)(B)(ii) of the Immi-
12 gration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)(ii))
13 is amended by striking “section 243(h)(2)” and inserting
14 “clauses (i), (ii), (iii), or (iv) of section 208(a)(2)(C)”.

15 (d) ELIGIBILITY FOR NATURALIZATION.—Section
16 316(f)(1) of the Immigration and Nationality Act (8
17 U.S.C. 1427(f)(1)) is amended by striking “subpara-
18 graphs (A) through (D) of paragraph 243(h)(2)” and in-
19 serting “clauses (i), (ii), (iii), or (iv) of section
20 208(a)(2)(C)”.

21 (e) FAMILY UNITY.—Section 301(e) of the Immigra-
22 tion Act of 1990 (Public Law 101–649) is amended by
23 striking “section 243(h)(2)” and inserting “clauses (i),
24 (ii), (iii), or (iv) of section 208(a)(2)(C)”.

1 **SEC. 306. EFFECTIVE DATES.**

2 (a) IN GENERAL.—Except as otherwise provided, the
3 amendments made by this title shall take effect on the
4 date of the enactment of this Act.

5 (b) EXCEPTIONS.—

6 (1) The amendments made by this title shall
7 not apply to applications for asylum or withholding
8 of deportation made before the first day of the first
9 month that begins more than 180 days after the
10 date of the enactment of this Act and no application
11 for asylum under section 208 of the Immigration
12 and Nationality Act (as amended by section 201 of
13 this Act) shall be considered before such first day.

14 (2) In applying section 208(b)(1)(A) of the Im-
15 migration and Nationality Act (as amended by this
16 title) in the case of an alien who has entered or
17 came to the United States before the first day de-
18 scribed in paragraph (1), notwithstanding the dead-
19 lines specified in such section—

20 (A) the deadline for the filing of a notice
21 of intention to file an application for asylum is
22 30 days after such first day, and

23 (B) the deadline for the filing of the appli-
24 cation for asylum is 45 days after the date of
25 filing such notice.

1 (3) The amendments made by section 305(b)
2 (relating to adjustment of status) shall not apply to
3 aliens granted asylum under section 208 of the Im-
4 migration and Nationality Act, as in effect before
5 the date of the enactment of this Act.

6 **TITLE IV—CITIZENSHIP**

7 **SEC. 401. BASIS OF CITIZENSHIP CLARIFIED.**

8 In the exercise of its powers under section 5 of the
9 Fourteenth Article of Amendment to the Constitution of
10 the United States, the Congress has determined and here-
11 by declares that any person born after the date of enact-
12 ment of this title to a mother who is neither a citizen of
13 the United States nor admitted to the United States as
14 a lawful permanent resident, and which person is a na-
15 tional or citizen of another country of which either of his
16 or her natural parents is a national or citizen, or is enti-
17 tled upon application to become a national or citizen of
18 such country, shall be considered as born subject to the
19 jurisdiction of that foreign country and not subject to the
20 jurisdiction of the United States within the meaning of
21 section 1 of such Article and shall therefore not be a citi-
22 zen of the United States or of any State solely by reason
23 of physical presence within the United States at the
24 moment of birth.

1 **TITLE V—BORDER SECURITY**

2 **SEC. 501. BORDER PATROL PERSONNEL.**

3 The number of full-time officer positions in the bor-
4 der patrol of the Immigration and Naturalization Service
5 shall be increased to 5,900 in fiscal year 1994, 6,900 in
6 fiscal year 1995, 7,900 in fiscal year 1996, 8,900 in fiscal
7 year 1997, and 9,900 in fiscal year 1998.

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